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Economic and Social Council

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Committee on Economic, Social and Cultural Rights

Concluding observations on the second periodic report of Uzbekistan*

1. The Committee on Economic, Social and Cultural Rights considered the second periodic report of Uzbekistan (E/C.12/UZB/2) at its 23rd and 24th meetings, held on 13 May 2014 (E/C.12/2014/SR.23 and 24), and adopted the following concluding observations at its 40th meeting held on 23 May 2014.

A. Introduction

2. The Committee welcomes the second periodic report of Uzbekistan, which includes information on the measures taken in respect of a number of recommendations contained in the Committee's previous concluding observations (E/C.12/UZB/CO/1). It appreciates the written replies to its list of issues (E/C.12/UZB/Q/2/Add.1) and the additional information provided by the high-level delegation of the State party during the consideration of the report.

B. Positive aspects

3. The Committee welcomes the ratification, inter alia, of international instruments since the examination of the State party's initial report, including:

(a) The Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict (2008);

(b) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2008);

(c) The United Nations Convention against Corruption (2008);

(d) The World Health Organization Framework Convention on Tobacco Control (2012);

* Adopted by the Committee at its fifty-second session (28 April–23 May 2014).

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(e) International Labour Organization (ILO) Conventions No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (2008), and No. 138 (1973) concerning Minimum Age for Admission to Employment (2009).

4. The Committee notes with appreciation the efforts by the State party to devise and adopt legislation, policies and programmes in response to the recommendations of the Committee, including:

(a) The adoption of national plans of action for the implementation of the recommendations made by the Committee following its consideration of the State party's initial report in 2005 and for the implementation of ILO Conventions Nos. 182 and 138; the adoption of the ILO Decent Work Country Programme (2014); the raising of the minimum employment age from 14 to 15 in the Labour Code; and the establishment of an inter-agency monitoring system to prevent forced labour;

(b) Joining the Istanbul Anti-Corruption Action Plan of the Anti-Corruption Network for Eastern Europe and Central Asia (2010) and establishing a Working Group to develop an anticorruption law;

(c) The adoption of the new edition of the law on Social Protection of Disabled People (11 July 2008) and the Environmental Control Act (2013);

(d) Criminalization of human trafficking (art. 135 of the Criminal Code); the adoption of the Law on Counteraction to Human Trafficking (2008) and a national action plan; the inclusion of employment guarantees for human trafficking victims in the Labour Code;

(e) Steps that led to the decline in extreme poverty from 27 per cent in 2000 to 15 per cent in 2012;

(f) The adoption of the nutrition improvement strategy (2009–2011) and the accession to the European Charter on Counteracting Obesity and the Vienna Declaration on Nutrition and Non-communicable Diseases;

(g) Steps that led to the significant decline in infant and maternal mortality;

(h) The inventory of cultural heritage sites every five years.

C. Principal subjects of concern and recommendations

Justiciability of the Covenant rights

5. The Committee regrets that, according to information provided by the State party, domestic courts do not directly refer to the Covenant, despite their competence to do so under the domestic law (art. 1).

The Committee urges the State party to ensure that the Covenant provisions are invoked before and applied by the domestic courts, including by raising awareness among right holders and the authorities responsible for its implementation. It refers the State party to its general comment No. 9 (1998) on the domestic application of the Covenant. It invites the State party to include, in its next periodic report, information on court decisions giving effect to Covenant rights.

Independence of the Judiciary

6. The Committee remains concerned about the reports that the judiciary lacks full independence, including owing to the five-year term of judges, which is renewed by the executive (art. 1).

The Committee recommends that the State party ensure the full independence and impartiality of the judiciary, with a view to ensuring the effective use of the State party's resources and the realization of the Covenant rights, including by introducing the principle of the irremovability of judges; establishing an independent body responsible for the appointment, promotion, suspension and removal of judges; and enacting the 2011 draft Code of Judicial Ethics. It refers the State party to the Basic Principles on the Independence of the Judiciary.

National human rights institutions

7. The Committee regrets that the State party has not yet established an independent national human rights institution fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), while noting with interest the activities undertaken by the Parliamentary Ombudsman, in particular the consideration of complaints relating to economic, social, and cultural rights and related legislative proposals (art. 1).

The Committee urges the State party to establish an independent and appropriately resourced national human rights institution compliant with the Paris Principles, including by strengthening the institution of the Parliamentary Ombudsman, and to take steps for its accreditation by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. It encourages the State party to seek assistance from the Office of the United Nations High Commissioner for Human Rights for the implementation of the present recommendation aimed at strengthening the national human rights institution.

Corruption

8. The Committee is concerned about the persistence and extent of corruption in the State party, particularly regarding access to health care, education and residence registration, which hinders the effective use of the State party's resources and the implementation of the Covenant.

The Committee recommends that the State party set up a comprehensive policy and mechanism to combat and prevent petty and systemic corruption, including by:

(a) Streamlining the adoption of the draft anti-corruption law, national programme and action plans, as well as codes of conduct for public institutions;

(b) Fostering transparent corruption monitoring, especially in the areas of health care, education and residence registration, and ensuring adequate investigation into corruption cases and prompt punishment of perpetrators with commensurate sanctions;

(c) Ensuring safe, accessible and visible channels for reporting corruption, in particular in the areas of health care, education and residence registration, as well as effective protection of anti-corruption activists and human rights defenders involved;

(d) Training politicians, lawmakers, judges, law enforcement officers, civil servants and public service personnel, especially in the areas of education, health-care and residence registration, on ethics and the economic and social costs of corruption;

(e) Conducting awareness-raising campaigns.

Non-discrimination and equality

9. The Committee is concerned that national legislation does not provide full protection against discrimination on all the grounds prohibited by the Covenant. It is also concerned about the absence of legislative and policy frameworks for the protection of the rights of ethnic minorities and nomadic people, and about the implications of the compulsory residence registration ("propiska") for access to employment, housing and health care by internal migrants. It is further concerned that stateless persons and refugees residing in the State party reportedly lack access to basic economic and social rights, including health care, education and legal employment (art. 2 (2)).

The Committee requests the State party to:

(a) Ensure that its laws effectively prohibit and provide appropriate mechanisms to protect against discrimination in all fields of economic, social and cultural rights, in line with the Covenant provisions, and that effective administrative and judicial remedies are available in cases of discrimination;

(b) Adopt legislative and policy frameworks to ensure the full enjoyment of the Covenant rights without discrimination by all persons residing on its territory, irrespective of their ethnic and national background, in line with the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights;

(c) Take effective measures to ensure that a propiska does not limit access to economic, social and cultural rights and consider experience of States that have replaced the propiska system with systems which comply with international standards in the area of freedom of movement;

(d) Take practical steps, including through legislative measures as appropriate, to ensure that stateless persons and refugees enjoy economic, social and cultural rights, including access to legal employment, health care and education;

(e) Accede to the Convention relating to the Status of Refugees of 1951 and the Protocol relating to the Status of Refugees of 1967, as well as to the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961.

Persons with disabilities

10. The Committee is concerned that the employment rate among persons with disabilities is very low, despite the measures taken to stimulate their employment, and that physical barriers may obstruct their access to social services, the labour market and education. It is also concerned about the lack of trained staff in schools and inadequate school curricula (arts. 2 (2), 6 and 13).

The Committee recommends that the State party enhance its efforts to ensure that persons with disabilities enjoy unhindered access to all social services, including schools, and employment, including by providing reasonable accommodation at school and in the workplace. It also recommends that the State party ratify as a matter of priority the Convention on the Rights of Persons with Disabilities signed in 2009.

Gender equality

11. The Committee is concerned that the draft law on equal rights and opportunities for women and men has not yet been adopted and that women remain underrepresented in the State administration, the judiciary, the executive and local authorities, especially in high-level positions. In that regard, the Committee notes with concern that entrenched gender-

role stereotypes in the family and society negatively impact the enjoyment by women of their economic, social and cultural rights (arts. 3, 6 and 13).

The Committee recommends that the State party:

(a) Expedite the adoption of the law on equal rights and opportunities for women and men, and increase awareness thereof among government officials, the judiciary and the public;

(b) Pursue policies, training and awareness-raising campaigns aimed at promoting equal representation of women in public and private bodies, especially in high-level decision-making positions;

(c) Double its efforts to change society's perception of gender roles, including by educating men and women about equal career opportunities as a result of education and training in fields other than those traditionally dominated by either sex, and by promoting equal sharing of responsibilities in the family.

Employment

12. The Committee welcomes measures taken by the State party to stimulate employment, especially among women and in rural areas, through small enterprises, home-based jobs and simplified business regulations. However, it remains concerned about underemployment, particularly among nomadic people and in the agricultural sector, the high unemployment rate among women, the persistent gender wage gap and widespread employment in the informal economy. It regrets the lack of information on the extent of the informal economy and the impact of the measures taken to safeguard the rights of workers in the informal sector (arts. 3, 6 and 9).

The Committee invites the State party to:

(a) Take steps to reduce underemployment, in particular the high unemployment rate among women;

(b) Intensify its efforts to reduce the gender pay gap;

(c) Gradually regularize the situation of all workers in the informal sector and ensure their coverage under existing labour and social security schemes;

(d) Provide, in its next periodic report, information on the progress made to reduce the informal economy, including on the percentage of workers and "small enterprises" concerned, as well as on whether "small enterprises" are subject to labour inspections and to administrative liability for violations of workers' rights to just and favourable conditions of work.

Minimum wage

13. The Committee welcomes the increase in the minimum wage since 2006 but regrets not having received sufficient information as to its enforcement and as to whether it provides workers and their families with a decent living (art. 7).

The Committee urges the State party to:

(a) Ensure that the periodically reviewed national minimum wage is set at a level sufficient to provide all workers and their families with a decent standard of living;

(b) Enforce the minimum wage in the public and private sectors, including the informal economy;

(c) Finalize the establishment of wage scales in accordance with the principle of equal pay for work of equal value and ensure their implementation in all sectors of employment;

(d) Expedite the adoption of the 2008 draft act on remuneration at work, containing the definition of the minimum wage in accordance with the provisions of article 7 of the Covenant, and provide, in its next periodic report, information on the coverage of the minimum wage, its enforcement mechanisms and their effectiveness.

Poverty

14. The Committee is concerned that, despite annual increases to wages, pensions and social benefits, substantial numbers of Uzbekistan's population live below the poverty line, especially in rural areas. It is also concerned about reported pension cuts imposed on working pensioners. It regrets the absence of information on the extent of poverty, disaggregated by sex, age and district, and on the extent to which the revised amounts of wages, pensions, unemployment benefits and social assistance enable an adequate standard of living. It notes the lack of information on the eligibility requirements for social security schemes, the percentage of the population covered and the assistance and services available to those not covered thereunder (arts. 9 and 11).

The Committee urges the State party to establish a set of reliable indicators to assess the extent of poverty in the country, including food and non-food consumption. Efforts should be strengthened to set pensions, unemployment benefits and other social assistance schemes at a level sufficient to ensure an adequate standard of living for the beneficiaries and their families. Pensions should be paid in full to working pensioners. The Committee recommends that social assistance benefits be calculated based on an accurate poverty assessment and that clear and transparent eligibility requirements be established for social security schemes. It refers the State party to its general comments No. 6 (1995) on the economic, social and cultural rights of older persons and No. 19 (2007) on the right to social security. The Committee invites the State party to report on the measures taken and their impact in its next periodic report.

Labour migration

15. The Committee is concerned about the reports that, despite the efforts undertaken to combat human trafficking, substantial numbers of the population of Uzbekistan, especially women and young persons, work abroad in hazardous conditions, including with insufficient remuneration and rest and the lack of social protection, health care and adequate housing (arts. 7 and 9–11).

The Committee urges the State party to:

(a) Assess the root causes and extent of labour migration from Uzbekistan, including by conducting a nationwide survey, with a view to taking effective measures to address the phenomenon, such as the development of decent employment opportunities within the State party;

(b) Strengthen the role of the External Labour Migration Agency, under the Ministry of Labour and Social Welfare, in providing information Uzbek citizens prior to their departure, as well as the role of bilateral agreements and consulates in protecting the rights of migrant workers in host countries;

(c) Ensure the reintegration of Uzbek migrant returnees, particularly by providing employment opportunities and including the period of work abroad in the period qualifying for the retirement pension.

Right to organize

16. The Committee notes the lack of information on the status of the amendments, dated 2007, to the Act on Trade Unions, the Rights and Guarantees of Their Activity, and on the mechanism for settling collective labour disputes. It also notes the absence of a specific provision on the right to strike in the legislation. It expresses concern that, under the Non-governmental Organizations Act, non-governmental organizations in the State party are subject to mandatory registration by the Ministry of Justice, which supervises their activities for compliance with statutory objectives and national legislation (art. 8).

The Committee urges the State party to expedite the adoption of the 2007 amendments to the Act on Trade Unions, the Rights and Guarantees of Their Activity. It recommends repealing the mandatory registration requirement for non-governmental organizations and revising national legislation in line with its obligations under article 8 of the Covenant and article 34 of the Constitution of Uzbekistan, which affirms the right of citizens to form their own organizations.

Child and forced marriages

17. The Committee is concerned, despite the information provided by the State party on measures undertaken for the protection of the family, about the continued prevalence of forced and child marriages, as well as bride abduction, especially in rural areas (art. 10).

The Committee urges the State party to raise the minimum age of marriage to 18, for both women and men, and ensure its enforcement throughout the country, including in rural areas. It recommends taking all necessary measures to combat the practices of child and forced marriage, and bride abduction.

Domestic violence

18. The Committee is concerned about violence against women, particularly domestic violence (art. 10).

Efforts should be strengthened to prevent and combat domestic violence, including through the criminalization of domestic violence and the adoption of the draft law on preventing violence against women; and to provide protection to victims, including by ensuring access to judicial redress and adequate medical, social and legal counselling and shelter.

Child labour

19. The Committee remains concerned about the reports that children remain involved in the cotton harvest, are subjected to hazardous working conditions and are absent from school for up to two months during the academic year (arts. 7, 10 (3) and 13).

The Committee urges the State party to:

(a) Double its efforts to ensure the protection of children from economic and social exploitation and to enable them to fully enjoy their right to education;

(b) Provide, in its next periodic report, statistics on the number and nature of court cases regarding labour rights violations and on sentences imposed, as well as information on the concrete impact of monitoring on the prevention of forced and hazardous labour;

(c) Accept regular and independent monitoring by international organizations.

Corporal punishment

20. The Committee is concerned about the persistence of corporal punishment, which is not explicitly prohibited under the law (arts. 7, 10 (3), and 13).

The Committee urges the State party to ensure the prohibition of corporal punishment in all settings, including in the home, at school and in alternative care, and to conduct training and awareness-raising campaigns. It refers the State party to its recommendation on discipline in schools, as contained in its general comment No. 13 (1999) on the right to education.

Agrarian reform

21. The Committee is concerned that, despite measures taken to stimulate rural development through the agrarian reform, farmers have been reportedly deprived of land plots and that the issue of land tenure for farmers is not regularized. It is also concerned about the low percentage of women landowners and the decrease in the number of women heading farms (arts. 3 and 11).

The Committee recommends that the State party take all appropriate measures, including legislative and policy measures, to promptly address and resolve the land tenure issues, taking into account farmers' needs and land rights; to ensure access to justice in the event of land deprivation; to investigate, prosecute and punish those responsible for land deprivation; and to provide redress to the victims. It encourages the State party to pursue the agrarian reform with the focus on gender equality. The Committee invites the State party to report, in its next periodic report, on the measures taken and their impact.

Housing

22. The Committee remains concerned that, despite information on the measures taken to improve the housing situation, especially in rural areas, no data has been provided as to the extent of homelessness and forced evictions and the number of persons on waiting lists for municipal and social housing. It regrets the absence of information as to the payment of adequate compensation upon eviction. It is also concerned that only limited categories of citizens can be offered alternative housing upon eviction and that persons deprived of parental rights may be evicted without alternative accommodation if they are found unfit to live with their children (art. 11).

The Committee reiterates its recommendation that the State party should take appropriate measures, including legislative and other measures, to provide all evicted persons with alternative accommodation or adequate compensation, in line with its general comment No. 7 (1997) on the right to adequate housing. The Committee urges the State party to strengthen its efforts in providing adequate housing, including social housing, especially to low-income families and disadvantaged and marginalized individuals and groups. To that end, the Committee encourages the State party to collect housing data, disaggregated by type, condition and the market value of housing, at regional and local levels, with a view to identifying issues and devising suitable strategies.

Health-care system

23. The Committee is concerned about the low number of hospitals and highly qualified health-care personnel in rural areas, despite the fact that at least half of all patients are treated in rural areas. It notes with concern that essential services are not included in State-guaranteed benefits packages and that there is no national health insurance in the State party. It regrets the lack of information on mental health, especially the use of alternative

forms of mental health treatment and the availability of judicial review in case of confinement to psychiatric institutions (art. 12).

The Committee urges the State party to further improve its health-care system, including by taking the necessary measures to ensure that rural hospitals are sufficient in quantity and are adequately staffed and equipped. It recommends including secondary and tertiary services and outpatient pharmaceuticals in the State-guaranteed benefits package. It encourages the State party to establish a national health insurance scheme with universal coverage, as announced during the dialogue. It refers the State party to its general comment No. 14 (2000) on the right to the highest attainable standard of health.

Health situation

24. The Committee notes that, despite the significant decrease in maternal and child mortality, those rates remain relatively high. It remains concerned about the level of malnutrition in the country, notwithstanding the efforts made by the State party to address the issue. It is also concerned about the increased prevalence of diet-related diseases, such as overweight individuals; increased alcohol and tobacco consumption, especially among children; persistent tuberculosis; and the growing incidence of HIV/AIDS, particularly among injecting drug users (arts. 10–12).

The Committee urges the State party to strengthen its efforts to improve mother and child health, especially during prenatal and neonatal periods, and its treatment and prevention of tuberculosis and HIV/AIDS, including by resuming the opioid substitution therapy, as announced during the dialogue. It calls on the State party to address malnutrition and diet-related diseases as well as alcohol and tobacco consumption. Focus should be on preventive care, in particular raising awareness of harmful effects of unhealthy diets and alcohol and tobacco consumption, the monitoring of those practices, the prohibition of the sale of alcohol and tobacco to children and the promotion of healthy lifestyles.

Water and sanitation

25. The Committee is concerned that, despite the steps taken by the State party to improve water and sanitation management, substantial numbers of the population of Uzbekistan lack access to adequate sanitation and safe drinking water, especially in the Khorezm and Karakalpakstan regions affected by the drought and the Aral Sea catastrophe. It notes with concern that the deficiency and pollution of water, an inadequate sewage system and the contamination of soil, as a result of the extensive use of chemicals in agriculture, contributed to the increase in waterborne diseases and morbidity. It is also concerned that airborne diseases are reportedly the second largest cause of mortality and morbidity in the country (art. 12).

The Committee urges the State party to invest more resources in the improvement of safe water supply and sanitation, in particular in rural areas, and to take expeditious measures to protect water, soil and air from contamination. It calls on the State party to take the necessary steps to prevent and treat water- and airborne diseases, including through policy and awareness-raising measures. It encourages the State party to pursue cooperation on water management with neighbouring countries, with a view to finding viable solutions to the Aral Sea catastrophe. It refers the State party to its general comment No. 15 (2002) on the right to water and its statement on the right to sanitation.

Education

26. The Committee expresses concern that, despite nearly universal literacy in the State party, the quality of education and teaching personnel in the rural areas is low. It is concerned that, despite the improved gender balance in secondary and vocational schools, the percentage of women students in higher education is almost a third of that of men students. It is also concerned about the decrease in the number of schools providing education in minority languages, especially Kazakh and Turkmen, and about insufficient support given to the promotion of the Tajik language (arts. 3 and 13).

The Committee recommends that the State party take all necessary measures to improve the quality of education, particularly in rural areas. It also recommends greater focus on gender balance, with a view to ensuring equal access to tertiary education. It encourages the State party to foster the promotion of minority languages and to ensure the provision of education in minority languages at all levels. It invites the State party to further invest in teacher training and expand Internet access across the country.

Cultural life

27. The Committee is concerned about the lack of the recognition of ethnic minorities by the State party and finds it difficult to accept that harmonious inter-ethnic relations can be ensured without acknowledging the right to cultural self-identification. It expresses concern about the State party's statement in its report (E/C.12/UZB/2, para. 968) that thanks to ethnic cultural centres, ethnic and national groups living in the country do not consider themselves to be ethnic minorities.

The Committee urges the State party to ensure that its laws protect the rights guaranteed to all ethnic groups, including the right to enjoy their cultural diversity, traditions, customs and their own languages, as well as all other manifestations of their identities and cultural ties. It refers the State party to its general comment No. 21 (2009) on the right of everyone to take part in cultural life.

D. Other recommendations

28. **The Committee encourages the State party to sign and ratify the Optional Protocol to the Covenant.**

29. **The Committee also encourages the State party to sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, as well as to accept the individual complaint mechanisms under various core human rights treaties which the State party has not accepted, with a view to further strengthening the protection of human rights by providing right holders with additional opportunities to claim their rights at the international level when domestic remedies have been exhausted.**

30. **The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, particularly among parliamentarians, government officials and judicial authorities, and to inform the Committee of all steps taken to implement them in its next periodic report. It also encourages the State party to engage non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report.**

31. **The Committee invites the State party to update its common core document in accordance with the harmonized guidelines on a common core document (HRI/GEN/2/Rev.6, chapter I).**

32. **The Committee requests the State party to submit its third periodic report, prepared in accordance with the revised reporting guidelines of the Committee, adopted in 2008 (E/C.12/2008/2), by 30 May 2019.**